

Message

From: Donaldson, Guy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D2A0969773664CC3B6EB1208748F1A5D-DONALDSON, GUY]
Sent: 12/12/2019 6:34:52 PM
To: Adams, Elizabeth [Adams.Elizabeth@epa.gov]
Subject: RE: R9 concurrence with comments on Region 6 finalizing withdrawal of Texas SSM SIP call

Thank you!

From: Adams, Elizabeth <Adams.Elizabeth@epa.gov>
Sent: Thursday, December 12, 2019 12:10 PM
To: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>
Cc: Mathias, Scott <Mathias.Scott@epa.gov>; Santiago, Juan <Santiago.Juan@epa.gov>; Brachtl, Megan <Brachtl.Megan@epa.gov>; Garcia, David <Garcia.David@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Pino, Maria <Pino.Maria@epa.gov>; Fernandez, Cristina <Fernandez.Cristina@epa.gov>; Lakin, Matt <Lakin.Matthew@epa.gov>; Zimpfer, Amy <Zimpfer.Amy@epa.gov>; Lo, Doris <Lo.Doris@epa.gov>
Subject: R9 concurrence with comments on Region 6 finalizing withdrawal of Texas SSM SIP call

Hi Peter,

As part of the regional consistency process, OAQPS and Region 6 have requested concurrence on Region 6's action to finalize the withdrawal of the SSM SIP Call for Texas. Region 9 concurs with comment.

We have no comment on the specific action with respect to Texas. However, as we noted in March 2019, it remains our preference that Region 9 should also be allowed to move forward on the four backlogged Region 9 SIP submittals in-house that were submitted in response to the May 2015 SSM SIP Call. We have already proposed full approval on all four submittals and received no adverse comments:

- Maricopa Rule 140 (Excess Emissions) – NPR published March 9, 2017.
- ADEQ R18-2-310 (Affirmative Defense for Excess Emissions due to Malfunctions, Startup, and Shutdown) – NPR published March 9, 2017.
- Eastern Kern 111 (Equipment Breakdown) – NPR published May 1, 2017.
- Imperial Kern 111 (Equipment Breakdown) – NPR published May 1, 2017.

Region 9's preference is that we would be allowed to finalize the full approval on all four submittals. While our action may be perceived as affirming the 2015 SSM policy, the actions are within a separate Circuit court and will minimize public attention to our lack of action on these submittals, eliminating the legal risk for failure to act. There is no 9th Circuit legal or litigation risk with acting, since no adverse comments were raised on the proposals. We also note that we appreciate Region 3's efforts to identify national opportunities for all regions to move forward on SSM-related SIP submittals of this type, and we encourage OAQPS to continue to work closely with Region 3 and all of the regions to expedite the path forward.

Thank you so much for the chance to provide input & have a good holiday,
Elizabeth

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